

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Auto-Owners Insurance Company,

Civil No. 09-1407 (RHK/AJB)

Plaintiff,

ORDER

vs.

Kottkes' Bus Service, Inc., a Minnesota
corporation, et al,

Defendants.

Pursuant to the parties' Stipulation (Doc. No. 41), Plaintiff's claims for declaratory relief against Defendant David Minikus, individually and as father and natural guardian of D.M., are hereby **DISMISSED WITHOUT PREJUDICE** and without costs to any party provided, however, that Plaintiff and Defendant David Minikus, individually and as father and natural guardian of D.M., shall both be bound by the final decision of this Court with regard to any issues decided herein, as if Defendant David Minikus, individually and as father and natural guardian of D.M., was a party to this litigation at the time of the Court's final decision, this dismissal without prejudice, notwithstanding.

Dated: January 4, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge